

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ZACHARY CHESSER,

Plaintiff,

v.

J.S. WALTON, *et al.*,

Defendants.

Case No. 12-cv-1198-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 68) of Magistrate Judge Philip M. Frazier recommending that the Court deny plaintiff Zachary Chesser’s amended motion for a preliminary injunction on the merits (Doc. 21). Chesser has objected to the Report (Doc. 71), and the defendants have responded to that objection (Doc. 74).

When Chesser filed his motion, he was incarcerated at the United States Penitentiary at Marion, Illinois (“USP-Marion”). He sought an injunction compelling the defendants to change the accommodations for religious practices available to him at that institution. Since then, Chesser has been transferred to another institution. Thus, his complaints about religious accommodations currently provided at USP-Marion are moot. *Higgason v. Farley*, 83 F.3d 807, 811 (7th Cir. 1996) (transfer to another institution moots prisoner’s request for injunctive relief unless he makes a showing that he will likely be retransferred to that first institution). Accordingly, the Court **REJECTS** the Report (Doc. 68) and **DENIES as moot** Chesser’s motion for a preliminary injunction (Doc. 21). Should Chesser believe he is likely to be retransferred to USP-Marion, he may file a motion to reinstate his preliminary injunction motion.

IT IS SO ORDERED.

DATED: June 9, 2014

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE